

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

RE: APPLICATION BY T-MOBILE
NORTHEAST, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR A TELECOMMUNICATIONS FACILITY
AT 15 ORCHARD PARK ROAD IN THE TOWN
OF MADISON, CONNECTICUT

DOCKET NO. _____

Date: October 7, 2009

**APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

Pursuant to General Statutes § 16-50g *et seq.* and § 16-50j-1 *et seq.* of the Regulations of Connecticut State Agencies, T-Mobile Northeast, LLC, a subsidiary of T-Mobile USA, Inc. d.b.a. T-Mobile ("T-Mobile"), submits this application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility (the "Facility") at 15 Orchard Park Road in the Town of Madison (the "Application").

I. EXECUTIVE SUMMARY

T-Mobile seeks to construct, maintain and operate a telecommunications facility on property known as 15 Orchard Park Road in Madison (the "Property"). The proposed Facility is part of a series of facilities T-Mobile is proposing in the State to fill coverage gaps along the Amtrak rail line. This Facility will also provide coverage to Route 1, Neck Road, Mungertown Rd and I-95, and residential areas. The Facility will consist of a 100-foot monopole structure with antennas mounted thereon with standoff cross arms and related equipment on the ground nearby. The Facility will sit within a

2,009 square foot area leased by T-Mobile, located in the southeasterly portion of the Property, which is a 3.51 acre parcel. An eight-foot chain link fence will secure and conceal the equipment at the Facility. Vehicle access to the Facility will extend from Orchard Park Road along an existing paved driveway and parking lot.

Included in this Application and the exhibits attached hereto are survey-based plans for the proposed Facility, Exhibit B, and other information found detailing the proposed Facility. The reports and supporting documentation included in this Application contain the relevant site specific information required by statute and the Connecticut Siting Council's (the "Council") regulations. Included herein as Exhibit D is a copy of the Council's Community Antenna Television and Telecommunication Facilities Application Guide with references to this Application.

II. BACKGROUND INFORMATION

A. The Applicant

T-Mobile is a limited liability company, organized under the laws of Delaware, with a Connecticut office at 35 Griffin Road South, Bloomfield, Connecticut, 06002.¹ The company and its affiliated entities are licensed by the Federal Communications Commission ("FCC") to construct and operate a personal wireless services system in Connecticut, which has been interpreted as a "cellular system" within the meaning of General Statutes § 16-50i (a) (6). T-Mobile does not conduct any other business in the State of Connecticut other than the provision of cellular services under FCC rules and regulations. T-Mobile is committed to use the proposed Facility as the anchor tenant.

¹ T-Mobile Northeast LLC is the successor in interest to Omnipoint Communications, Inc.

Correspondence and/or communications regarding this Application should be addressed to the attorneys for the Applicant:

Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604
(203) 368-0211
Attention: Julie D. Kohler, Esq.
Monte E. Frank, Esq.
Jesse A. Langer, Esq.

B. Application Fee

The estimated total construction cost for the Facility is \$187,000.00. In accordance with § 16-50v-1a(b) of the Regulations of Connecticut State Agencies, a check made payable to the Council in the amount of \$1,000.00 accompanies this Application.

C. Compliance with General Statute § 16-50/ (c)

T-Mobile is not engaged in generating electric power in the State of Connecticut and, therefore, the proposed Facility is not subject to General Statutes § 16-50r. The proposed Facility has not been identified in any annual forecast reports and, therefore, is not subject to General Statute § 16-50/ (c).

III. SERVICE AND NOTICE REQUIRED BY GENERAL STATUTE § 16-50/ (b)

Pursuant to General Statutes § 16-50/ (b), T-Mobile sent copies of this Application to municipal, regional, State, and Federal officials. A certificate of service, along with a list of the parties served with a copy of the Application is attached hereto as Exhibit E. Pursuant to § 16-50/ (b), T-Mobile caused notice of its intent to submit this

Application to be published on two occasions in *The New Haven Register*. A copy of the legal notice and the publisher's certificate of publication are attached hereto as Exhibit F. In compliance with § 16-50i (b), notices were sent to each person appearing of record as owner of a property which abuts the Facility. Certification of such notice, a sample notice letter, and the list of property owners to whom the notice was mailed are included in Exhibit G.

IV. STATEMENT OF NEED AND BENEFIT

A. Statement of Need

In amending the Communications Act of 1934 with the Telecommunications Act of 1996, the United State Congress recognized the important public need for high quality telecommunications services throughout the United States. The purpose of the Telecommunications Act of 1996 was to "provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans." H.R. Conf. Rep. No. 104-458, 206, 104th Cong., Sess. 1 (1996). The Telecommunications Act of 1996 expressly preserved State and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of that authority, and preempted State or local regulatory oversight of radio frequency emissions as more fully set forth in 47 U.S.C. § 332(c)(7). In doing so, Congress sought a balance between the public interest in deployment of wireless services and legitimate areas of State and/or local regulatory control over wireless infrastructure.

The Facility is an integral component of T-Mobile's wireless network in the Town of Madison ("Town" or "Madison"). There is a gap in coverage in this area, specifically along the Amtrak rail line, and on Route 1, Neck Road, Mungertown Road and I-95. The Facility, in conjunction with other existing and future facilities in Madison and surrounding towns, is necessary for T-Mobile to provide wireless services to people living in and traveling through this area of the State, including passengers on the Amtrak rail line.

The propagation plots attached hereto as Exhibit H depict T-Mobile's need for the Facility. Based upon the location of the Facility and the current lack of coverage in this area, T-Mobile cannot readily predict a point in time at which the Facility might reach maximum capacity.

B. Statement of Benefits

T-Mobile is a leading provider of advanced wireless voice and data services throughout the United States. T-Mobile has provided such services in Connecticut since the mid-1990s and remains actively involved in the deployment of state-of-the-art wireless services. In recent years, the public's demand for traditional cellular telephone services has evolved to include expectations of seamless service, wherever the public travels, and readily available access to the internet as well as the ability to send and receive voice, text, image and video through their wireless devices continuously. The ever increasing availability and enhanced sophistication of wireless services has led the public to use their wireless devices as their primary form of communication for both personal and business needs.

To help provide the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the "911 Act"). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. In enacting the 911 Act, Congress recognized that networks capable of rapid, efficient deployment of emergency services would enable faster delivery of emergency care, resulting in reduced fatalities and severity of injuries. With each year since passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill or injured individuals such as motorists, hikers and boaters.

As an outgrowth of the 911 Act, the FCC mandated that wireless carriers provide enhanced 911 services ("E911") as part of their communications networks. These services ultimately allow 911 public safety dispatchers to identify a wireless caller's geographical location within several hundred feet. T-Mobile has deployed and continues to deploy TDOA (Time Difference of Arrival) network technology to comply with the FCC E911 requirements. The Facility will become an integral component of T-Mobile's E911 network in this area of the state, including along the Amtrak rail line. As other wireless carriers expand their service in Madison through the Facility, E911 services will experience additional improvement.

C. Technological Alternatives

The FCC licenses granted to T-Mobile authorizes it to provide cellular and Personal Communication Services ("PCS services") in this area of the State through deployment of a network of wireless transmitting sites. The Facility is a necessary

component of T-Mobile's wireless network. The Facility will also allow other wireless carriers to provide services in this area.

Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to providing service within the sizeable coverage gap in this area. Terrain variations, topography and tree cover in Madison and the surrounding area, as well as other practical factors limit the use of such technologies and preclude their implementation as alternatives to the proposed Facility. There are no equally effective technological alternatives to construction of a new tower facility for providing reliable personal wireless services in this area of Connecticut.

V. SITE SELECTION AND TOWER SHARING

A. Site Selection

T-Mobile selects a site in an area where there is an existing need or problem regarding coverage or capacity within T-Mobile's network. The site selected is the geographical location where the installation of a telecommunications facility would likely address the identified coverage or capacity issue ("search ring"). T-Mobile conducts a site search with the goal of finding a site that will resolve the coverage or capacity issue and minimize any potential environmental impact.

T-Mobile conducted a site search within its search ring in this area of Madison and identified the Property as the best possible location to resolve the existing coverage concerns. The nearest telecommunication towers are already in use by T-Mobile. There are no other facilities or structures which T-Mobile could utilize to close the

existing coverage gap. The proposed Facility would allow T-Mobile to provide coverage while at the same time minimize any environmental impacts. The site of the proposed Facility:

- Is located in a light industrial zone;
- Is used as a storage facility and garage for truck trailers;
- Is adjacent to the Amtrak right of way;
- Is proposed for existing paved area;
- Does not require taking down any trees;
- Allows access across an existing paved parking lot;
- Does not impact any wetlands ; and
- Minimizes any visibility impacts by placement of the tower at lower ground elevation and because of the relatively low height of proposed tower.

None of the other sites reviewed, or any other known and available sites within the search ring, would provide adequate coverage AND also allow for the same level of mitigation of environmental impacts as does the proposed site.

Although the municipal consultation period provided for in the Connecticut General Statutes expired on or about July 28, 2009, T-Mobile delayed filing this Application with the Council so it could engage in an interactive process with the Town in an effort to best balance the need for telecommunications services in this area of Madison against the possible environmental impacts.

On July 27, 2009, T-Mobile (including its soil scientist) met with the Town's Conservation Commission and, as requested, provided that Commission with a visual resource evaluation report and viewshed analysis, additional requested propagation

plots detailing existing and expected coverage at various heights, site plans and an aerial map of the proposed Facility. On August 3, 2009, the Conservation Commission issued a letter recommending two conditions intended to protect a wetlands system near the proposed Facility, a copy of the August 3, 2009 Letter is included in Exhibit Q. T-Mobile agreed to incorporate these conditions into its plans along with the measures already included to protect the nearby wetlands system.

On August 6, 2009, T-Mobile appeared before the Town's Planning & Zoning Commission ("PZC") and responded to questions from the PZC regarding the Facility. Prior to that meeting, on July 27, 2009, T-Mobile provided the PZC with its technical report, visual resource evaluation report, viewshed analysis and additional propagation plots at various heights, as had been requested. T-Mobile also conducted two balloon floats — one in connection with the visual resource evaluation report on July 7, 2009, and another on July 11, 2009, at the request of the Town. Notice of the second balloon float was published so that concerned citizens could attend and ask questions.

Following the meeting with the PZC, T-Mobile fully explored three additional sites suggested by the PZC. None of those additional candidates are feasible alternatives for the reasons discussed in the Site Selection narrative, which is attached hereto as Exhibit J. The Site Selection narrative and map of rejected sites and facilities within a four mile radius, Exhibits I and J, provide a complete explanation of T-Mobile's methodology for conducting site searches, the actual search for potential sites in Madison, and depicts the locations reviewed during T-Mobile's search and the reasons for elimination from consideration of all but the Property. Due to the nature of

development and terrain in the area, the Property is uniquely suited for a telecommunications tower.

B. Tower Sharing

To promote the sharing of wireless facilities in Madison, T-Mobile proposes to construct a facility that can accommodate T-Mobile and three other antenna platforms and related equipment for the wireless carriers in the Connecticut marketplace. Municipal public safety antennas also could be accommodated at no cost to the Town. Details of the design are included in Exhibit B. Materials provided by T-Mobile to the Town of Madison articulated T-Mobile's willingness to provide, free of charge, space on the proposed monopole for municipal public safety communications antennas.

VI. FACILITY DESIGN

T-Mobile will lease a 2,009 square foot area within the Property, which is an approximately 3.51 acre parcel. The Facility will consist of a 100-foot monopole structure. T-Mobile will install up to three panel antennas per sector (three sectors) at 100 feet rad center and place its equipment cabinets nearby. The compound will be enclosed by an eight-foot chain link fence. The monopole tower and equipment compound are designed to accommodate the facilities of all wireless carriers active in the Connecticut marketplace. T-Mobile will make space available, free of charge, for municipal public safety communications.

Vehicular access to the Facility would extend from Orchard Park Road over an existing paved driveway and parking lot. T-Mobile will extend utility service underground from an existing transformer on the Property. Exhibit B contains plans,

descriptions and other relevant information for the Facility. Exhibit K is an inland wetlands delineation report and statement of compliance. Exhibit L is a listing of residential buildings within 1,000 feet of the Facility. In summary, those exhibits reveal the following:

- The Property is zoned for light industrial (LI);
- The nearest wetlands area is approximately twelve feet from the Facility; however, the construction, maintenance and operation of the Facility will not have an adverse impact on this wetland system. As part of the municipal consultation, T-Mobile met with the Madison Conservation Commission on July 27, 2009. The Commission made two recommendations to further protect the wetlands. T-Mobile is willing to implement these recommendations in the final plans to be submitted in the Development and Management phase.
- The Property is currently used for commercial storage;
- Minimal grading will be required for the construction of the Facility;
- The Facility will not require the removal or relocation of any trees; and
- The Facility will have no impact on water flow, water quality, or air quality and will comply with relevant noise regulations.

VII. ENVIRONMENTAL COMPATIBILITY

Pursuant to General Statutes § 16-50p, the Council is required to find and to determine as part of the Application process any probable environmental impact of the Facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity and fish and wildlife. As demonstrated in this Application and the accompanying attachments and documentation, the Facility will not have a significant adverse environmental impact.

A. Visual Assessment

The visual impact of the Facility will vary from different locations around the Facility depending upon factors such as vegetation, topography, distance from the Facility, and the location of structures around the Facility. Exhibit M contains a computer-based, predictive viewshed model, which has proven to depict accurately the potential impact of the Facility from surrounding views as well as a Visual Resource Evaluation.

T-Mobile retained visibility experts Vanasse Hangen Brustlin (“VHB”) to prepare the Visual Resource Evaluation. As part of its study, on July 7, 2009, VHB conducted a balloon float test at 100 feet AGL to evaluate the potential viewshed impacts, if any, associated with the Facility. On July 11, 2009, VHB conducted a second balloon float at the request of the Town. The Town issued public notice of the second balloon float so that those interested in the proposed Facility could attend and obtain information. With these balloon floats, VHB sought to determine the visibility impact of the Facility, accounting for local, state and federal historic and recreational sites within the study area, as well as within a two-mile radius of the proposed Site (the “Study Area”).

The topography and vegetation contained at the Property and within the Study Area serve to minimize the potential visual impact of the Facility. The existing vegetation in the area of the Property is mixed deciduous hardwood species with an average estimated height of sixty feet. This vegetation sits on gently rolling hills that range in ground elevation from approximately sea level to approximately 165 feet AMSL. The tree canopy covers nearly 3,840 acres of the 8,042 acre Study Area — with most of the remaining acreage consisting of portions of Long Island Sound and the East River.

The Visual Resources Evaluation demonstrates that the Facility will be as inconspicuous as possible. Overall visibility will be confined to the immediate area because of the relatively low height of the tower, the existing mature vegetation, and the tower's placement on somewhat lower ground elevation than that of the surrounding area. Based on the viewshed analysis contained in Exhibit M, areas from which the Facility will be at least partially visible year round comprise only 712 acres of the entire Study Area. Approximately 97 percent of this area consists of open water on the Long Island Sound to the south and/or the Ceder Island, East River and Neck River Tidal Marshes. Aside from these open water areas, some select areas near the Facility may have year round visibility including portions of Route 1 and Stony Lane. Visibility from these select areas would be intermittent at best and would not be in the direct line of motorists traveling these routes. It is unlikely that the Facility will be visible from the Rockledge Drive vista, Tuxis Pond or Tuxis Island. Overall, the Facility will be partially visible year round to only four residences within the Study Area, which includes one residence on Route 1 and three on Stony Lane. Areas of seasonal visibility comprise of approximately fifty-nine additional acres and are limited to the general vicinity of the Property, which is within .35 miles or less. There are nine additional residences along Route 1, Stony Lane and Johnson Lane that may have limited seasonal views of the Facility from select portions of those properties.

The Facility will have a *de minimis* visual impact as it will be screened by the proposed fencing and existing vegetation. These Visual Resources demonstrate that the Facility will not be obtrusive, even from most of the areas where the Facility will be partially visible. Accordingly, the proposed Facility will not result in an unacceptable

adverse visual impact. Weather permitting, T-Mobile will raise a balloon with a diameter of at least three (3) feet at the Facility on the day of the Council's first hearing session on this Application, or at a time otherwise specified by the Council.

B. Solicitation of State Agency Comments

T-Mobile submitted a request for review and comment for the Facility to the Connecticut State Historic Preservation Officer ("SHPO") and obtained the necessary maps from the database of the Connecticut Department of Environmental Protection ("DEP"). SHPO has determined that, given the nature of the terrain and soil on the Property, no impact is anticipated. The DEP map reveals that the Facility will be near a wetlands system. Yet, as explained in Part VIII.D., *infra*, the Facility will not have an adverse impact on that wetland system. A copy of the SHPO correspondence and the DEP map regarding the Facility is attached hereto as Exhibit N.

C. MPE Limits/Power Density Analysis

In August 1996, the FCC adopted a standard for exposure to Radio Frequency ("RF") emissions from telecommunications facilities like the Facility proposed in this Application. To ensure compliance with applicable standards, T-Mobile performed maximum power density calculations for the Facility assuming that the antennas were pointed at the base of the tower and all channels were operating simultaneously. The resulting power density for T-Mobile's operations would be approximately 10.6219% of the applicable MPE standards. A copy of the power density calculations and report for the Facility is attached hereto as Exhibit O.

D. Other Environmental Factors

The Facility will be unmanned, requiring infrequent monthly maintenance visits by each carrier that will last approximately one hour. T-Mobile's equipment at the Facility will be monitored twenty-four hours a day, seven days a week from a remote location. The Facility will not require a water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed, and the Facility will not create or emit any smoke, gas, dust or other air contaminants, noise, odors or vibrations. The construction and operation of the proposed Facility will have no significant impact on air, water, or noise quality.

T-Mobile retained EBI Consulting ("EBI") to evaluate the Facility in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 (the "NEPA"). A copy of the NEPA Report is attached hereto as Exhibit P. The Facility is not designated as a wilderness area and it is not located in any areas identified as a wildlife preserve or in a U.S. Fish and Wildlife Service National Wildlife Refuge. The Facility will not affect threatened or endangered species or designated critical habitats. No National Parks, National Forests, National Parkways or Scenic Rivers, State Forest, State Designated Scenic Rivers or State Gamelands are located in the vicinity of the Facility. Further, according to the site survey and field investigations, the Facility will not impact any federal or state regulated wetlands or watercourses. In addition, the Facility will not be located within a 100-year or 500-year floodplain.

The Facility will not affect any sites, buildings, structures or objects significant to American history, architecture, culture, archeology or engineering. EBI consulted with two Native American tribes, the Mashantucket Pequot Tribe and the Narragansett

Indian Tribe, because they might have had interests impacted by the construction, operation and maintenance of the Facility. Both Tribes confirmed that they do not have any interests that would be impacted by the Facility. As such, the Facility is categorically excluded from any requirement for further environmental review by the FCC in accordance with the NEPA and no permit is required by the FCC prior to construction of the proposed Facility. See 47 C.F.R. §§ 1.1306(b) and 1.1307(a).

VIII. CONSISTENCY WITH THE MADISON LAND USE REGULATIONS

The Facility will be consistent with Madison's zoning and wetland regulations and plan of conservation and development. A description of the zoning classification of the Facility and the planned and existing uses of the Property are also detailed in this section.

A. Madison Plan of Development

The Madison Plan of Conservation and Development (the "Plan"), a copy of which is included in the bulk filing, was adopted on November 1, 2000. The Plan recognizes that the Town's residents and businesses will continue to demand improved and expanded wireless services. Accordingly, the Plan articulates one of its goals as "[e]ncourag[ing] improvements in communications infrastructure to meet the needs of residents and businesses." See Plan of Conservation and Development, p. 87. The Plan seeks to do so while also limiting the number of facilities and maintaining the character of the Town. The Facility accomplishes these objectives in that it will (1) close a gap in coverage in this area of the Town; (2) accommodate three other carriers in the Connecticut marketplace; and (3) not provide an adverse visual impact or environmental

impact on the Town and its residents. The Facility will also improve the Town's ability to provide its residents with emergency services.

B. Madison Zoning Regulations

The Property is zoned for light industrial and is currently used for commercial storage. Although the Facility will not adhere to all of the setback requirements for this zone, it will be set back approximately 1,500 feet from Mungertown Road. Additionally, existing mature vegetation will provide the Facility with excellent screening.

C. Planned and Existing Land Uses

The Property is currently used for commercial storage. T-Mobile is not aware of any future development plans regarding the Property.

D. Madison Inland Wetlands and Watercourses Regulations

The Madison Inland Wetlands and Watercourses Regulations ("Local Wetlands Regulations") regulate certain activities conducted in or adjacent to "wetlands" as defined therein. Such regulated activities involve any "operation within or use affecting a wetland or watercourse by obstruction, construction, by alteration, by removal or deposition of material or by pollution of such wetlands" See Bulk Filing, Inland Wetlands and Watercourses Regulations, § 2.1. Regulated activities include those activities that occur within 100 feet of an inland wetland or watercourse. See *id.*, § 6.

According to the site survey and field investigations conducted at the Property, there is a wetland area on the Property approximately twelve feet from the Facility. T-Mobile hired VHB to ascertain whether the proposed Facility would have a detrimental impact on those wetlands. VHB concluded that the Facility would have no such impact. In accordance with the Connecticut Soil Erosion Control Guidelines, as established by

the Council of Soil and Water Conservation, soil erosion control measures and other best management practices will be established and maintained throughout the construction of the Facility. As part of the municipal consultation, T-Mobile met with the Madison Conservation Commission on July 27, 2009. The Commission made two recommendations to further protect the wetlands. T-Mobile is willing to implement these recommendations in the final plans to be submitted in the Development and Management stage.

IX. CONSULTATIONS WITH LOCAL, STATE AND FEDERAL OFFICIALS

A. Local Consultations

General Statutes § 16-50/ (e) requires an applicant to consult with the local municipality in which a proposed facility may be located and with any adjoining municipality having a boundary of 2,500 feet from the proposed facility concerning the proposed and alternate sites of the facility. On May 28, 2009, T-Mobile submitted a technical report to the First Selectman regarding the Facility. The technical report, a copy of which is being bulk filed with this Application, included specifics about the Property, the Facility, the site selection process and the environmental effects, if any, of the proposed Facility. Other materials provided to the Town during the consultation period are attached as Exhibit Q. T-Mobile met with the Conservation Commission on July 27, 2009, and also provided that Commission with materials regarding the proposed Facility. On August 6, 2009, T-Mobile also appeared before the PZC, submitted written materials for the PZC's review, and responded to questions from the PZC regarding the Facility. Very few, if any, members of the public attended the noticed

public meetings. No one from the public spoke at either the Conservation Commission or the PZC meetings, or asked any questions.

The PZC issued a letter with its comments on August 14, 2009. T-Mobile delayed filing this Application until it could fully evaluate the PZC's comments, which included an inquiry as to whether the Sunshine House, a charitable organization which owns the adjacent parcel, was interested in a facility on its property. The Sunshine House elected to forego an arrangement with T-Mobile, and the other sites suggested by the PZC are not viable alternatives. T-Mobile responded fully to PZC's August 14, 2009 letter on September 28, 2009 (See Exhibit Q).

B. Consultations with State Officials

As noted in Section VII.B of this Application, T-Mobile undertook a consultation with the SHPO and obtained a DEP map from the DEP's database in the course of its NEPA survey. Copies of the correspondence with SHPO and the DEP map are attached hereto as Exhibit N.

C. Consultation with Federal Agencies

T-Mobile has received a report from Site Safe for the Facility, which is attached hereto as Exhibit R. The results indicate that the Facility would not require FAA registration, let alone FAA review as a potential air navigation obstruction or hazard. Therefore, no FAA lighting or marking would be required for the towers proposed in this Application. T-Mobile will forward copies of the final FAA approval when received.

T-Mobile's FCC license permits it to modify its network by building wireless facilities within its licensed area without prior approval from the FCC provided that a proposed facility does not fall within one of the "listed" categories requiring review under

NEPA. The “listed” categories, included in 47 C.F.R § 1.1307, are activities that may affect wilderness areas, wilderness preserves, endangered or threatened species, critical habitats, National Register historic districts, sites, buildings, structures or objects, Indian religious sites, flood plains and federal wetlands. The resulting report, attached hereto as Exhibit P, confirms that the Property does not fall under any of the NEPA “listed” categories of 47 C.F.R. §1.1307. Therefore, the proposed Facility does not require review by the FCC pursuant to NEPA.

X. ESTIMATED COST AND SCHEDULE

A. Overall Estimated Cost

The total estimated cost of construction for the Facility is \$187,000.00. This estimate includes:

- (1) Tower and foundation costs (including installation) of approximately \$71,000.00;
- (2) Site development costs of approximately \$68,000.00; and
- (3) Utility installation costs of approximately \$48,000.00.

B. Overall Scheduling

Site preparation and engineering would commence immediately following Council approval of T-Mobile’s Development and Management (“D&M”) Plan and is expected to be completed within four (4) to five (5) weeks. Installation of the monopole structure, antennas and associated equipment is expected to take an additional eight (8) weeks. The duration of the total construction schedule is approximately thirteen (13) weeks.

Facility integration and system testing is expected to require an additional two (2) weeks after the construction is completed.

XI. CONCLUSION

This Application and the accompanying materials and documentation demonstrate that a public need exists in the Town of Madison for improved wireless services, especially along the Amtrak rail line, and that the Facility will not have any substantial adverse environmental effects. T-Mobile therefore respectfully submits that the public need for the Facility outweighs any potential environmental effects resulting from the construction of the Facility, and that the Council should grant a Certificate of Environmental Compatibility and Public Need for the Facility.

Respectfully Submitted,

By: 

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